

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Paul Lewis Richards,)	C/A No. 3:11-1540-JFA-JRM
)	
Plaintiff,)	
v.)	ORDER
)	
Captain Shane Kitchens; Major Danny Gilliam,)	
Sheriff James Lee Foster; Lt. Robert Dennis,)	
)	
Defendants.)	
_____)	

The *pro se* plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging that while he was a pretrial detainee at the Newberry County Detention Center, the defendants violated his constitutional rights.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that this matter should be dismissed for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff notified the Clerk of Court of his change of address on August 9, 2011. A scheduling order was issued and mailed to the plaintiff at the new address. However, the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

scheduling order was returned to the Clerk by the Postmaster marked “not deliverable.” As a result, neither the court nor the defendants have any means to contact the plaintiff.


The plaintiff was mailed a copy of the Report and Recommendation and advised of his right to file objections to the Report and Recommendation, which was entered on the docket on September 2, 2011. The plaintiff did not file objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, this action is dismissed with prejudice for failure to prosecute.

IT IS SO ORDERED.

October 5, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge